2007-05100/

Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar

Commission d'enquête sur les actions des responsables canadiens relativement à Maher Arar

Arar Commission Releases its Findings on the Handling of the Maher Arar Case

Embargoed until tabling of Report in the House of Commons

Ottawa, September 18, 2006 – Commissioner Dennis O'Connor's public report on the events relating to Maher Arar was released today. In a three-volume document, the Commissioner presents the factual analysis of the case surrounding Maher Arar and submits 23 recommendations to the government.

In accordance with his mandate, the Commissioner looked into the actions of Canadian officials in relation to Maher Arar while he was detained in the United States, deported to Syria via Jordan, imprisoned in Syria and after his return to Canada. "I am satisfied that all relevant Canadian information to the mandate have been examined," says the Commissioner and "my conclusions are based on an assessment of all the evidence, regardless of whether or not it may be publicly disclosed."

On the issue of public disclosure, Commission Lead Counsel Paul Cavalluzzo, explains: "There are portions of the public report which have been redacted because of the government's assertion of a claim of national security confidentiality (NSC). However the Commissioner is of the opinion that this information should be disclosed to the public. The Commissioner urges the government to refer this dispute to the Federal Court for an expeditious resolution so that the public might get maximum disclosure."

An unredacted version of the Commissioner's report has been handed to the government.

MAIN CONCLUSIONS

On Maher Arar, the Commissioner comes to one important conclusion: "I am able to say categorically that there is no evidence to indicate that Mr. Arar has committed any offence or that his activities constitute a threat to the security of Canada.

The public can be confident that Canadian investigators have thoroughly and exhaustively followed all information leads available to them in connection with Mr. Arar's activities and associations. This was not a case where investigators were unable to effectively pursue their investigative goals because of a lack or time constraints. On the contrary, Canadian investigators made extensive efforts to find any information that could implicate Mr. Arar in terrorist activities. They did so over a lengthy period of time, even after Mr. Arar's case became a cause célèbre. The results speak for themselves: they found none."

On the role of Canadian officials, taking into consideration evidence heard in public as well as in camera, the Commissioner found: "No evidence that Canadian officials participated or acquiesced in the American's authorities decision to detain and remove Mr. Arar to Syria (...) and there is no evidence that any Canadian authorities – Royal Canadian Mounted Police (RCMP), Canadian Security Intelligence Service (CSIS) or others – were complicit in those decisions." However, the

Commissioner also notes that: "It is very likely that, in making the decisions to detain and remove Mr. Arar to Syria, the U.S. authorities relied on information about Mr. Arar provided by the RCMP. Although I cannot be certain without evidence of the American authorities, the evidence strongly supports this conclusion". CSIS did not share information with the Americans at this time.

The Commissioner also found that both before and after Mr. Arar's detention in the U.S. the RCMP provided American authorities with information about Mr. Arar which was inaccurate, portrayed him in an unfair fashion and overstated his importance to the investigation. Some of this inaccurate information had the potential to create serious consequences for Mr. Arar in light of American attitudes and practices at the time.

While he was detained in the U.S. the Commissioner found that the Department of Foreign Affairs and International Trade (DFAIT) officials took reasonable steps to provide Mr. Arar with consular services.

While he was detained in Syria, the Commissioner found that Canadian agencies relied on information about Mr. Arar received from the Syrians which was likely the product of torture. No adequate reliability assessment was done to determine whether the information resulted from torture.

In his report the Commissioner points to a need for a more coherent connection between Canadian agencies when dealing with terrorism investigations; he observed a failure of communication between Canadian agencies involved in the Arar case. "There was also a lack of a single, coherent approach to efforts to obtain his release."

Finally, the Commissioner found that both before and after Mr. Arar's return to Canada, Canadian officials leaked confidential and sometimes inaccurate information about the case to the media for the purpose of damaging Mr. Arar's reputation or protecting their self-interest or government interests.

About the cases of **Messrs. Almalki, El Maati and Nureddin**, three men who were also detained in Syria and have alleged they were tortured, the report states that the cases of these three men raise troubling questions about the role of Canadian officials and recommends that the cases be reviewed through an independent and credible process that is able to address the integrated nature of the underlying investigations.

RECOMMENDATIONS

Among his recommendations, Commissioner O'Connor addresses many issues such as: the RCMP's national security activities, the information sharing practices of other government agencies; some recommendations touch upon the investigative interaction with countries with questionable human rights records as well as the issue of Canadians detained in other countries; some recommendations concern the need for Canadian agencies engaged in national security investigations to have clear policies and more training on issues of racial, religious or ethnic profiling. The Commissioner also recommends that the Government of Canada assess Mr. Arar's claim for compensation in light of the report's findings and respond accordingly.

This report constitutes the first of two reports that the Commission of Inquiry has been mandated to produce. The second report will make recommendations on the creation of an independent arm's-length review mechanism for the RCMP's national security activities. It is expected to be released before the end of this year.

Established under Part I of the Inquiries Act, the Arar Inquiry was set up on the recommendation of

the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness to investigate and report on the actions of Canadian officials in relation to Maher Arar. The Commission is also mandated to recommend an arm's length review mechanism for the activities of the Royal Canadian Mounted Police with respect to national security. www.ararcommission.ca.

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All times are reflected in Atlantic time
Date Modified: 2006-09-18